

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1628.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Don Hartstern</b>
<b>DATE OF COMPLAINT:</b>	<b>September 28, 2000</b>
<b>DATE OF REPORT:</b>	<b>October 27, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>December 6, 2000</b>

**COMPLAINT ISSUES:**

Whether the MSD of Lawrence Township (the School) violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
  - a. failing to implement modifications and adaptations as identified;
  - b. failing to provide supplemental aids and services in the general education setting; and
  - c. failing to implement the behavioral intervention plan.
- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record:
  - a. monitored the implementation of the student's IEP; and
  - b. ensured that supplementary aids and services, program modifications, and supports were made available in accordance with the student's IEP.
- 511 IAC 7-27-6(a)(3)(B) and 511 IAC 7-27-9(a)(2) with regard to the school's alleged failure to ensure the case conference committee considered the student's ability to participate in the general education setting with supplementary aids and services before determining that the student should be placed in a self-contained classroom.
- 511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee meeting at the parent's request.
- 511 IAC 7-27-3(d) with regard to the school's alleged failure to utilize the general education teacher in the case conference committee meeting to determine appropriate positive behavioral interventions and strategies, as well as supplementary aids and services and program modifications for the general education setting.

**FINDINGS OF FACT:**

1. The Student is fourteen (14) years old, in the eighth (8<sup>th</sup>) grade, and eligible for special education and related services as a student with an Emotional Disability.
2. In response to the allegations from the Complainant, the Director acknowledged violations and discrepancies with the Implementation of the Student's IEP:
  - a. The School failed to make available a tape recorder.

- b. Word banks and visual cues could not be produced.
- c. The School has now made available for the school and home use of keyboarding programs.
- d. Instructional assistants are now available to help the Student.
- e. Inservice training should be made available to assist the Student in general education as well as special education classes.
- f. Extended time for tests are available and better documentation to ensure communication.
- g. Alternative assignments as needed with inservice training on better documentation.
- h. Tests and quizzes read to the Student.
- i. "Buddy Notes" monitored more closely.
- j. "Daily assignment notebook" monitored.
- k. Homework monitored more closely with weekend or long-term assignments given or on Friday with an expansion to parents in homework notebook.
- l. Instructional assistant available in the general education setting to make appropriate adaptations with better documentation and inservice training.
- m. Documentation in the Student's IEP did not indicate a behavior plan was warranted; however, behavior interventions were noted.
- n. A better system needed to allow teacher of record an opportunity to work with general education and instructional assistants in implementing and documenting all aspects of modifications and adaptations.
- o. The district is to purchase a tape recorder, inservice staff on program modification and documentation of efforts through the homework notebook.

Furthermore, the Director indicates that the failure to convene a CCC the parent requested was due to ISTEP needs. A case conference should be scheduled as soon as possible.

- 3. After an internal investigation of the complaint issues, the Director acknowledges :
  - a. The School did not provide a tape recorder as recommended. The tape recorder has been ordered.
  - b. An instructional assistant is present in Science and Health, however, needs inservice training to develop on-the-spot adaptations and involvement from the teacher or record.
  - c. Computer programs are available to the Student, but closer monitoring of programs is necessary.
  - d. The school should have offered a CCC meeting as soon as possible.
  - e. The Student's teacher of record should be more actively involved in communicating with general education staff and the instructional assistants.
  - f. General education representatives have been attending CCC meeting, however the teacher of record should offer more assistance to them.
  - g. The homework notebook is in place, however, not consistently checked.
  - h. According to the Student's IEP, a behavior plan is not recommended. However, there is evidence of behavioral problems. The CCC should discuss the issue to clear up discrepancies.

## **CONCLUSIONS:**

Findings of Fact #2 and #3 indicate that the School acknowledges violations of 511 IAC 7-27-7(a)

and (b), 511 IAC 7-27-6(a)(3)(B), 511 IAC 7-27-9(a)(2), 511 IAC 7-27-4 (a)(3), and 511 IAC 7-27-3(d).

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The MSD of Lawrence Township shall:

1. Convene a CCC to correct the violations acknowledged and discuss the need for compensatory services needed as a result of these violations. The IEP and CCC Report is to be submitted to the Division no later than November 20, 2000.
2. Provide documentation of inservice training to address issues specified in the Directors response. This documentation is to be submitted to the Division by November 20, 2000.

DATE REPORT COMPLETED: October 27, 2000